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REMARKS

Applicants cancel claims 2 and 5-10, and add claims 11-14. Claims 1, 3-4, and 11-14 are pending in the application. Applicants amend claims 1 and 3 for clarification, and add new claims 11-14 to round out the scope of the claimed invention. Applicants refer to Figs. 3-4, 15, 17 and their corresponding description in the specification, and page 16, lines 6-9 of the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

Applicants submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2001-003984 (filed January 11, 2001), and a certified copy of the foreign priority application. Applicants respectfully request that the Examiner properly acknowledge the priority claim and the receipt of all certified copies of priority documents.

Applicants further request that the Examiner indicate acceptance of the drawings.

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,744,768 to Vikberg et al. Applicants amend claim 1 in a good faith effort to clarify the invention, and respectfully traverse the Examiner's rejection.

Vikberg et al. describe a technique for combining narrowband applications with broadband transport. The Examiner apparently applied the description of Media Gateway (MG) functionality—on col. 29, lines 16-27, 43-67 and col. 30, lines 55-57 of Vikberg et al.—and the separate description of terminals 324—please see, e.g., Fig. 3C of Vikberg et al.—as alleged disclosure of the claimed invention. Applicants respectfully submit that the MG functionality is not performed by the subscriber-side terminal devices in Vikberg et al., and that the terminals described therein do not perform any function with respect to media quality measurement control. Indeed, as shown in Fig. 19 of Vikberg et al., the quality measurement described therein

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is performed between a media handler part 1850 and a media control part 1840 within a media part 1830 of a MG 625, and with a media gateway control (MGC) 1110. The MG 625 and MGC 1110 are a connection control node and a call control node, respectively.

Therefore, Vikberg et al., as cited and relied upon by the Examiner, do not disclose,

“[a] communication system enabling communications between a subscriber and a station, comprising:
a delivery device installed on a station side, said delivery device including delivery means for controlling delivery of a media stream, accounting control means for performing accounting control based on media quality information transmitted from a subscriber side, and authentication means for authenticating a device which is to receive the media stream; and
a terminal device installed on the subscriber side, said terminal device including receiving means for controlling reception of the media stream, connection information management means for managing connection information for specifying the media stream, and media quality measurement control means for controlling measurement of media quality of the specified media stream, generating the media quality information including a measurement result and transmitting the generated media quality information to the station, wherein
said accounting control means calculates a charge based on the media quality information and pays back a proper amount of money to the subscriber, in cases of degradation of the media stream.
said media quality measurement control means performs media quality measurement control in which a loss of packet is detected by continuity of packets of the specified media stream, said media quality measurement control means uses both a time stamp and a sequence number in the packet to measure the continuity of packets,
said media quality measurement control means detects that at least $(b - a + 1)$ packets are missing, if a packet $P(a, t)$ is followed by a packet $P(b, s)$
where a and b are the respective sequence number, t and s are the respective time stamp,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 3-4 and 11 dependent therefrom, is patentable over Vikberg et al. for at least the foregoing reasons.

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Correspondingly, Vikberg et al., as cited and relied upon by the Examiner, do not

disclose,

“[a] communication system enabling communications between a subscriber and a station, comprising:
a delivery device installed on a station side, said delivery device including delivery means for controlling delivery of a media stream, accounting control means for performing accounting control based on media quality information transmitted from a subscriber side, and authentication means for authenticating a device which is to receive the media stream; and
a terminal device installed on the subscriber side, said terminal device including receiving means for controlling reception of the media stream, connection information management means for managing connection information for specifying the media stream, and media quality measurement control means for controlling measurement of media quality of the specified media stream, generating the media quality information including a measurement result and transmitting the generated media quality information to the station, wherein
said media quality measurement control means performs media quality measurement control in which a degradation index of a media unit is calculated,
said media quality measurement control means cumulates a degree of influence of propagation of error that occurred on the specified media stream earlier in time than a picture being replayed to calculate the degradation index and transmits the degradation index as the media quality information to the station, and
said accounting control means normalizes the degradation index that is a cumulative degradation value measured from the beginning through to the end of a program and calculates a charge based on the normalized degradation index and pays back a proper amount of money to the subscriber, depending on the state of the degradation of the media stream,” as recited in claim 12.
(Emphasis added)

Accordingly, Applicants respectfully submit that claim 12, together with claim 13 dependent therefrom, is patentable over Vikberg et al. for at least the foregoing reasons. Claim 14 incorporates features that correspond to those of claim 12 cited above, and is, therefore, patentable over Vikberg et al. for at least the same reasons.

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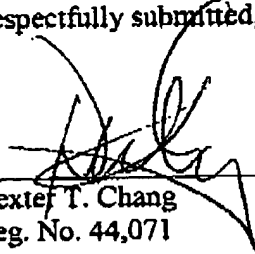
The above statements on the disclosure in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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